



General Assembly

## ***Amendment***

***January Session, 2017***

**LCO No. 8707**



Offered by:

REP. KLARIDES, 114<sup>th</sup> Dist.  
REP. CANDELORA, 86<sup>th</sup> Dist.  
REP. HOYDICK, 120<sup>th</sup> Dist.  
REP. O'DEA, 125<sup>th</sup> Dist.

REP. O'NEILL, 69<sup>th</sup> Dist.  
REP. FRANCE, 42<sup>nd</sup> Dist.  
REP. DUBITSKY, 47<sup>th</sup> Dist.

To: House Joint Resolution No. 100    File No. 516    Cal. No. 356

### ***"RESOLUTION APPROVING A STATE CONSTITUTIONAL AMENDMENT TO PROTECT TRANSPORTATION FUNDS."***

1     Strike everything after the resolving clause and substitute the  
2     following in lieu thereof:

3     "Section 1. That the following be proposed as an amendment to the  
4     Constitution of the State, which, when approved and adopted in the  
5     manner provided by the Constitution, shall, to all intents and  
6     purposes, become a part thereof:

7     Article third of the Constitution is amended by adding section 19 as  
8     follows:

9     Sec. 19. a. The Special Transportation Fund shall remain a perpetual  
10    fund. The general assembly shall direct the resources of said fund  
11    solely for transportation purposes and the payment of debt service on  
12    obligations of the state incurred for such purposes. All sources of

13 funds required to be credited to the Special Transportation Fund as of  
14 the date this section is adopted and all other moneys and receipts of  
15 the state credited, deposited or transferred to said fund by state law, or  
16 otherwise designated by the general assembly to support said fund, on  
17 and after the date this section is adopted shall be credited, deposited or  
18 transferred to said fund, and such sources shall not be redirected,  
19 decreased or otherwise allocated. The general assembly shall enact no  
20 law authorizing the resources of said fund to be expended other than  
21 for transportation purposes and the payment of debt service on  
22 obligations of the state incurred for such purposes. The term  
23 "transportation purposes" means, with respect to the resources of the  
24 Special Transportation Fund, capital expenditure projects for the  
25 planning, construction, maintenance, repair or improvement of  
26 highways, sidewalks, bridges, mass transit, rail stations, ports and  
27 airports and shall include nondebt service-related operating costs paid  
28 with the resources of the Special Transportation Fund during the fiscal  
29 year ending June 30, 2017, and for each fiscal year thereafter, provided  
30 the amount of such operating costs for such fiscal year shall not be  
31 more than the amount paid for such costs during the previous fiscal  
32 year, increased by not more than three per cent.

33 b. Original jurisdiction is vested in the supreme court to be  
34 exercised on the petition of any resident of the state whereby said  
35 court may compel the general assembly, by mandamus or otherwise,  
36 to perform its duty.

37 RESOLVED: That the foregoing proposed amendment to the  
38 Constitution be continued to the next session of the General Assembly  
39 elected at the general election to be held on November 6, 2018, and  
40 published with the laws passed at the present session, or be presented  
41 to the electors at the general election to be held on November 6, 2018,  
42 whichever the case may be, according to article sixth of the  
43 amendments to the Constitution. The designation of said proposed  
44 amendment to be used on the ballots at such election shall be "Shall the  
45 Constitution of the State be amended to (1) require that all moneys to  
46 be credited to or in support of the Special Transportation Fund be

47 expended solely for certain transportation purposes and the payment  
48 of debt service on obligations incurred by the state for such purposes,  
49 and (2) prohibit any such moneys from being redirected, decreased or  
50 otherwise allocated, and (3) vest the Supreme Court with original  
51 jurisdiction to compel compliance with this proposed amendment?"